IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22830 of 1999

Dated: 24th July, 2006

Between:

Gutta Laxmi Jayaprada

.. Petitioner

and

The District Collector,
Krishna District & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22830 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in digging the canal through the petitioner's land and depriving of her 5 acres of land in Survey Nos.65/1 and 65/2 of China Nandigama village, G.Konduru mandal, Krishna district without initiating any proceedings under the Land Acquisition Act, 1894.

It is the case of the petitioner that she is the owner and possessor of agricultural land admeasuring Ac.4-36 cents covered by R.S.No.65/2 of China Nandigama village, G.Konduru mandal, Krishna district by virtue of registered sale deed dated 5.7.1968 along with some other properties from Mohd.Muqtum and others. The petitioner has been in possession and enjoyment of the said lands in her own right by cultivating the same. While so, the respondents 2 and 3 dug a channel through the petitioner's land unauthorisedly, and on account of the same, petitioner's land to an extent of 5 Acres covered by R.S.No.65/1 and 65/2 was affected. Hence, the petitioner got issued a legal notice to the respondents on 19.5.1999. The respondents having received the said notice, did not give any reply. The action of the respondents in digging the channel unauthorisedly is illegal, violative of Articles 14 and 300-A of the Constitution of India.

The respondents filed counter affidavit though denying the allegations, but admitted that the legal notice sent by the petitioner was not received by the departmental officers in time and by the date of issue

of legal notice i.e. 19.5.1999, the work had been completed and in fact the petitioner has not opposed the execution of the repair work at the time when it was being done.

Thus, it can be seen that there is no dispute as to the ownership of the petitioner in respect of the land to an extent of 5 acres in Survey Nos.65/1 and 65/2 of China Nandigama village. The case of the respondents is that by the date of issue of legal notice by the petitioner, the canal was already dug and the petitioner did not take any objection for the same.

In view of the above, the respondents are directed to initiate land acquisition proceedings forthwith in respect of the land in question and complete the process within a period of three months and pay the compensation to the petitioner as per law.

With the above direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 24.7.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

24.7.2006